

Message

From: Brock, Martha [Brock.Martha@epa.gov]
Sent: 6/28/2021 6:40:52 PM
To: Froede, Carl [Froede.Carl@epa.gov]
CC: Jones, Connie [Jones.Constance@epa.gov]; Amoroso, Cathy [Amoroso.Cathy@epa.gov]; Adams, Glenn [Adams.Glenn@epa.gov]; Johnson, MaryC [Johnson.MaryC@epa.gov]
Subject: Comment response table and invocation of informal dispute letter
Attachments: EPA - D1 FFS Landfill Combined Water Mngt Review - Jul 31 2015.pdf; EPA - D2 EMWMF and EMDF Comb WWater FFS - Dissaproval Inf Dispute - Apr 1 2016.pdf; EMWMF-EMDF FFS D1 comm EPA 073115 responses draft 101915.doc; EMWMF-EMDF FFS D2 comm EPA 040116 resp draft 072416 for J Crane.doc; EMWMF-EMDF FFS D2 020816_FINAL(2) Rev1_FINAL(3) (003).pdf

The first attachment contains EPA comments on the D1 FFS.

The second attachment is EPA's invocation of informal dispute, summarizing the issues in dispute and providing some additional comments.

The third is a document reflecting our comments on the D1 and DOE's response.

The fourth attachment reflects the responses to our invocation of informal dispute and additional comments generated during review of the D2. The rightmost column was added by Jeff and reflects Jeff's or my notes; the highlighting is ours. The date of the word table indicates that we were still "working on it" during informal dispute, but I don't think DOE updated it (as Susan DePaoli does, at least sometimes, when she is the project person at UCOR).

As you will recall, some of this is water under the bridge and does not jibe with our current ARAR-based approach for developing AWQCs for radionuclides. So, be careful as you read not to confuse what we thought we could resolve then with where we are now.

The fifth attachment is the D2 FFS.

Martha Brock
Senior Attorney, Federal Facilities; EPA Region 4
61 Forsyth St., SW; Atlanta, GA 30303
Ph: (404) 562-9546
Work Cell: (470) 512-7133

If the agency's interpretation deviates from prior policy, the agency must provide a reasoned basis for the change. *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2125-26 (2016).